

COUNTY OF YORK

MEMORANDUM

DATE: March 20, 2000 (BOS Mtg. 04/04/00)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator

SUBJECT: York High School-Approval for Tower Lease Agreement

Attached for your consideration is a proposed tower lease agreement between the County and Triton PCS Property Company, L.L.C., for space at the 240' elevation on the tower located adjacent to York High School. The lease agreement would also allow Triton to construct an equipment shed and related improvements on the ground inside the fenced in area immediately surrounding the base of the tower. Although the tower is situated on property of the York County School Board, the tower site was leased by the School Board to the County in 1985 under a 99-year renewable lease, and the tower was constructed by, and belongs to, the County. Any income derived from lease agreements of the sort proposed by Triton is paid, therefore, to the County.

The proposed lease agreement is typical of others into which the County has entered, not only for this tower, but for other towers either owned by the County, or constructed on County property under an agreement which provides for title to the tower to pass to the county at some point in time. As is typical of these agreements, the proposed agreement provides for an initial five year term, and for as many as four additional five year renewal terms. Rent for the initial term is set at \$20,000 per year, escalating at the beginning of each successive five year renewal term by 15%, so that annual rent during the fourth renewal term will be \$37,980.13. per year.

Because the future of the County's use of, and need for, the York High School tower is uncertain, the proposed agreement would allow the County, upon 180 days written notice to Triton, either to abandon and/or dismantle the tower, or to relocate the tower to another location. In that event, Triton will have the option either of terminating the lease agreement, or of relocating to the new tower site (if one is established) at the same elevation as it will occupy on the York High School tower.

Because this lease agreement is, in part, a lease of ground space, this matter has been advertised for a public hearing as is required of all County leases of real property.

Tower locations are a valuable asset which school divisions and local governments have been able to exploit not only for the rental income which can be derived from tower use agreements, but also for the purpose of reducing a proliferation of towers throughout the landscape. I recommend adoption of the attached resolution authorizing the County

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Administrator to execute the proposed tower lease agreement with Triton PCS Property Company, L.L.C.

Barnett/3440:swb

Attachments